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Commercial Dungeness Crab Fishery - Frequently Asked Questions

Q: How does low crab quality delay the opening of the Dungeness crab season?

A: Fish and Game Code section 8276.2 describes how a season delay occurs when crab quality testing indicates low crab quality due to soft-shell conditions. The Tri-State Dungeness Crab Committee has established a testing protocol that sets guidelines for the meat recovery criteria, timing of each round of testing and locations for testing. Currently, if any California port in District 6, 7, 8, or 9 results in meat recovery criteria of less than 25% (rounded to nearest whole integer), the Director may order a delay in the opening of the Dungeness crab fishery after December 1 in Districts 6, 7, 8, and 9. This constitutes the fishery north of the Sonoma/Mendocino county line to the California/Oregon border.

Q: How does the California fishing season open after a delay due to crab quality?

A: If the season opening is delayed due to crab quality, it is prohibited to take or land Dungeness crab north of the Sonoma/Mendocino county line to the California/Oregon border until the Director orders the opening of the season. (Fish & G. Code, § 8276.3, subd. (a).) Depending on the results after each round of testing, the Director will either open the fishery or continue to delay the season in 15-day increments until January 15, the latest a season can be delayed due to crab quality. Crab quality testing results at all testing locations must reach the requisite crab meat recovery criteria of at least 25% (rounded to nearest whole integer) for all ports to consider opening of the fishing season prior to January 15. A delay due to crab quality triggers the fair start provisions for the entire area north of the Sonoma/Mendocino county line to the California/Oregon border as outlined in Fish and Game Code section 8279.1. For example, if a vessel takes, possesses onboard, or lands Dungeness crab south of the Sonoma/Mendocino county line prior to a delayed northern opener, that vessel must wait 30 days after the area north of the Sonoma/Mendocino county line opens to take, possess onboard, or land Dungeness crab in the northern area.

Q: What changes were implemented to the fair start provisions of Fish and Game Code section 8279.1 as of January 1, 2017?

A: Previously, the fair start provisions applied to any person who took, possessed onboard, or landed Dungeness crab for commercial purposes. The newly updated code section now prohibits a vessel from taking, possessing onboard, or landing Dungeness crab for commercial purposes for 30 days after the season first opens under delay conditions (e.g., quality or domoic acid) if that same vessel was used to take, possess onboard, or land Dungeness crab for commercial purposes prior to that season opening. Individual crewmembers are not beholden to fair start and can take a job on a vessel that will begin participating in the fishery once the season opens without risking a

violation of section 8279.1. Also, if a person owns multiple vessels, any vessel that did not take, possess onboard, or land Dungeness crab prior to the start of the fishing season under delayed conditions, can begin participating when the season first opens regardless of the activities of the other vessels that person owns.

Q: How do health advisories for domoic acid affect quality delays in California and how would the fair start provisions of Fish and Game Code section 8279.1 apply if there are both quality delays and domoic acid delays?

A: Once the Director determines that the northern management area can open due to crab quality, any area subject to health advisories (e.g., domoic acid) issued by the California Department of Public Health may continue to be delayed beyond January 15 pursuant to Fish and Game Code section 5523. Under section 8279.1, if an entire fishing district continues to be delayed beyond the delayed quality season opener due to a health advisory, then the 30-day fair start period would begin on the date when any part of that fishing district opens after the health advisory for that district is lifted. If a portion of a district continues to be delayed due to a health advisory, while the rest of the district opens, a 30-day fair start period would begin from the date when any portion of the district first opened to fishing.

Q: How will Fish and Game Code section 8279.1 apply to the state of Washington and Oregon if there is a quality delay?

A: Under section 8279.1, subdivisions (c) and (d), the 30-day fair start period is triggered if there is a delay in the opening of the season in Washington or Oregon. If the December 1 start date in Washington or Oregon is delayed due to crab quality, then the fair start provision will apply. Any vessel that took, possessed onboard, or landed Dungeness crab for commercial purposes in California prior to the opening of the general commercial season in Washington or Oregon must wait the 30-day fair start period before participating in the fishery in Washington or Oregon, respectively. The fishery in Washington will be considered as open on the first day in which any area of Washington is open for general, non-tribal commercial fishing, and the fishery in Oregon will be considered as open on the first day in which any area of Oregon is open for commercial fishing.

Q: How does an opening of the season in the Puget Sound in Washington affect application of Fish and Game Code section 8279.1?

A: California law does not distinguish between the Puget Sound and the rest of the Washington Dungeness crab fishery. If the Puget Sound is the first area of Washington to open to general, non-tribal commercial fishing, that would be considered the opening of the fishery in Washington for the purposes of 8279.1.